IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI SOUTHWESTERN DIVISION

VIKING INSURANCE COMPANY OF WISCONSIN,)
Plaintiff,)
v.) Case No. 3:13-cv-05072-JFM
WAYMAN BRYANT,)
)
Defendant.)

MOTION FOR ORDER OF THE COURT DISMISSING PLAINTIFF'S ACTION AGAINST DEFENDANT

COMES NOW the Plaintiff, Viking Insurance Company of Wisconsin, pursuant to Rule 41(a)(2), and for its Motion to Dismiss its Action Against Defendant Bryant and Suggestions in Support thereof, states as follows:

- 1. The Plaintiff and Defendant have reached an agreement whereby this case filed in Federal Court will be dismissed in exchange for the Plaintiff setting aside the Default Judgment against separate entity Dalton Anderson in a state court case styled *Wayman Bryant v. Dalton L. Anderson*, Circuit Court of Jasper County, Missouri, Case Number 13AO-CC00135 and Plaintiff Bryant in that case agrees to litigate the state court case on the merits.
- 2. Enclosed is the offer of settlement based upon the terms set forth in paragraph 1 above from counsel for Wayman Bryant and Plaintiff Viking Insurance Company of Wisconsin's counsel's acceptance of that offer, marked as Exhibits A and B.
- 3. The Federal Court matter having been settled between the parties to include a dismissal of the Federal Court action by Plaintiff Viking Insurance Company of Wisconsin, Viking Insurance Company of Wisconsin states there is no further need for Federal Court action.

WHEREFORE, Plaintiff Viking Insurance Company of Wisconsin prays for an Order of this Court dismissing this action based upon the settlement between Plaintiff Viking and Defendant Bryant.

Respectfully submitted,

FOLAND, WICKENS, EISFELDER, ROPER & HOFER, P.C.

/s/ W. James Foland

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ATTORNEYS FOR PLAINTIFF VIKING INSURANCE COMPANY OF WISCONSIN

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the above and foregoing document was filed electronically with the above-captioned court, with notice of case activity to be generated and sent electronically by the Clerk of said court (with a copy to be mailed to any individuals who do not receive electronic notice from the Clerk) this 2nd day of August, 2013, to:

Roger Johnson Scott Vorhees Glenn Gulick JOHNSON, VORHEES & MARTUCCI 510 W. 6th Street Joplin, MO 64089

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/s/ W. James Foland

Attorneys for Plaintiff Viking Insurance Company of Wisconsin